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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,069	02/17/2004	Richard Emil Kajander	7362	9467

7590 07/02/2009  
JOHNS MANVILLE  
Legal Department  
10100 West Ute Avenue  
Littleton, CO 80127

EXAMINER
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SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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07/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD EMIL KAJANDER

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Application No. 10/780,069  
Technology Center 1700

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Mailed: July 2, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on Dec. 10, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

REPLY BRIEF

The review of the file finds that the Reply Brief filed Aug. 25, 2008 includes an amendment and/or new evidence.

In accordance with 37 CFR 41.41(a)(2):

“A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence...”

Because the reply brief filed Aug. 25, 2008 was accompanied by an amendment, affidavit or other evidence, it will be treated as a request that prosecution be reopened before the examiner. See MPEP § 1208 for details.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to treat the Reply Brief as a request to reopen prosecution;
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWK/rwk

cc: JOHNS MANVILLE  
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